

May 20, 2008

**VIA FACSIMILE**

Hon. Harold Baer, Jr.  
U.S. District Court  
Southern District of New York  
500 Pearl Street  
Chambers 2230  
New York, New York 10007

Re: *Milton Braten v. Eliot Kaplan*,  
Docket No. 07 Civ. 8498 (HB)

Dear Judge Baer:

I write on behalf of defendant Eliot Kaplan in response to plaintiff's May 14, 2008 letter requesting a sixty (60) day adjournment of the Pre-Trial Conference scheduled for this Thursday, May 22, 2008, at 4:30 p.m. While defendant does not object to a reasonable adjournment of the conference, we note that plaintiff has been *pro se* from the time he filed this action on or about May 7, 2007. Pursuant to an Order dated October 2, 2007, the Court (Hon. Kimba Wood) dismissed the original complaint *sua sponte* and afforded plaintiff an opportunity to file an amended complaint, which he did on or about December 5, 2007.

Plaintiff's claim that he needs sixty (60) days to find counsel is suspect under the circumstances set forth above. Moreover, plaintiff's status as a federal prisoner likely means he has ample time each day to attend a court conference via telephone. He has not stated any reason why he cannot sit for such a call on any particular day.

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Pursuant to the foregoing, defendant does not object to a reasonable adjournment of the Pre-Trial Conference and submits that thirty (30) days should be sufficient under all surrounding circumstances.

Respectfully,



Stephen D. Straus

cc: Mr. Melvin Braten  
97415-071 Unit P2  
FMC Devens  
P.O. Box 879  
Ayer, Massachusetts 01432

*ok to June 26 at*  
*11 AM*  
CO ORDERED:  
*Harold Baer Jr.*  
Harold Baer, Jr., U.S.D.J.  
*5/20/08*